IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Sampat Devi & Anr. Versus Amrit Lal.

S.B. Criminal Revision No. 582/2005 against the judgment dated 6-5-2005 passed by the Judge,Family Court, Udaipur, in Criminal Misc. Case No.229/2003.

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Date of order: April 27, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Deepak Manariya, for the petitioners.
Mr. R.S. Shekhawat for Mr. P.S. Bhati, for non-petitioner.

BY THE COURT:

Both the petitioners, by the instant criminal revision, seek enhancement of the maintenance granted in their favour by the judgment and order dated 6-5-2005 passed by the Judge, Family Court, Udaipur (for short, "the Family Court" hereinafter) on an application filed by the petitioners under Section 125 Cr.P.C., whereby the Family Court granted maintenance in favour of petitoner No.1 @ Rs.600/- per month and in favour of petitioner No.2 @ Rs.400/- per month. Petitioner No.1 is the wife and petitioner No.2 is the minor daughter of the non-petitioner.

I have heard learned counsel for the parties and

perused the impugned judgment and order, as also the material available on record.

It is contended by the learned counsel for the petitioners that the amount of maintenance granted by the Family Court is inadequate keeping in view the market rate and inflation. Learned counsel for the non-petitioner submits that the non-petitioner is a Class IV employee of the State Government and though his salary is Rs.6700/- per month as noticed by the trial Court, but according to the learned counsel, the petitioner has taken loans of Rs. 50,000/- from SBBJ, Chetak Circle, Udaipur and Rs. 80,000/- from the Oriental Bank of Commerce, Town Hall, Udaipur. Out of these loan amounts, the non-petitioner got solemnized the marriage of his son and daughter, who had been residing with the petitioner and, therefore, according to the learned counsel, the petitioner is required to pay the instalments of the loans taken from the aforesaid two banks.

It appears that the marriage of the petitioner No.1 was solemnized with the non-petitioner more than twenty-five years ago and from their wedlock, three children, one son and two daughters, were born. The marriages of son and one daughter have been solemnized and the expenses thereof were born by the non-petitioner. From the statements of the petitioner No.1 and her sister AW 2 Manju, it appears that the expenses

for petitioner No.2,who is a minor girl of 14 years and residing with the petitioner No.1, including her school fee etc., are being born by the non-petitioner. Thus, the non-petitioner, by paying expenses for the petitioner No.2, including her school fee, is partly maintaining her.

Keeping in view the facts and circumstances of the case, as also the fact that the non-petitioner is also to maintain his other family members, in my view, a sum of Rs.800/- per month for petitioner No.1 and a sum of Rs.500/- per month for petitioner No.2 would be just and proper amount of maintenance.

Consequently, the revision petition is partly allowed. The impugned order dated 6-5-2005 passed by the Family Court, Udaipur in Criminal Misc. Case No. 229/2003, is modified to the extent that the petitioner No.1 is entitled for the maintenance @ Rs.800/- per month and petitioner No.2 is entitled for the maintenance @ Rs.500/- per month instead of Rs.600/- and Rs.400/- per month respectively from the non-petitioner.

(H.R. PANWAR), J.

mcs